IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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TUESDAY, THE EIGHTEENTH DAY OF APRIL

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WP.No.7557 OF 2006

Between:

Yanika Gurvaiah, s/o. Rangaiah @ Ramchandraiah,

Aged about 60 years, Schedule Tribe & doing Sand business,

R/o. Kuanavaram (v), Manuguru Revenue Mandal,

Khammam district. … Petitioner

Versus

The District Panchayat Officer, Khammam,

Khammam district & Ors. … Respondents

Counsel for the Petitioner: Smt. Indira (7066)

Counsel for the Respondents: GP for Panchayat Raj &

Rural Development

GP for Revenue

Sri R.Premsagar

O R D E R :

The petitioner is the auction purchaser in respect of sand quarry lease in Godavari river of Anantaram village, Manuguru Gram Panchayat of Manuguru Mandal, Khammam district, on the lease amount of Rs.3,10,000-00 for a period of six months and seven days, commencing from 25-3-2006 to 30-9-2006 for Rs.1,60,835-00. One of the conditions in the lease order that the quarry of the sand shall not be done with proclainers and such large scale labour displacing machinery.

The case of the petitioner is that there is a shortage of labour, and therefore, he is not able to life the sand with the man power, and the question of displacing the labour in the large-scale does not apply and that he wanted to lift the sand with the proclainer.

It is stated that the petitioner filed a representation before the District Panchayat Officer, Khammam on 06-4-2006 but the said representation has not been considered and disposed of.

Having regard to the facts and circumstances of the case, I am not inclined to express any opinion as to whether there is any shortage of labour and that whether the use of proclainers and large-scale labour displacing machinery is required in this case for want of labour or not, as all these matters have to be gone into and considered by the District Level Committee.

Accordingly, the first respondent is directed to consider the same within two weeks from the date of receipt of a copy of this order, after making necessary enquiry place the matter before the District Level Committee for taking appropriate decision in the matter. On placing such matter, the District Level Committee shall take appropriate decision in the matter on merits and in accordance with law, within four weeks thereafter.

With the above direction, the writ petition is accordingly disposed of at the admission stage. No costs.

APRIL 18th, 2006. ----------

I s L. V. ESWARAIAH , J.

NB: Furnish CC tomorrow.

B/o. IsL.